



**BEFORE THE KANSAS COMMISSION ON PEACE OFFICERS'  
STANDARDS AND TRAINING**

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In the Matter of )  
 )  
MICHAEL MURSKI )  
 #22168 )  
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**Case No. 2018-0243**

**SUMMARY ORDER OF REVOCATION**

Pursuant to K.S.A. 77-537

The above-captioned matter comes on for Commission action through a summary proceeding under the Kansas Administrative Procedures Act, K.S.A. 77-537, regarding the law enforcement certification of MICHAEL MURSKI (Respondent).

**STATEMENT OF FACTS**

1. Respondent holds a full-time law enforcement certification from the Kansas Commission on Peace Officers' Standards and Training (Commission), certification number 22168.
2. Respondent was employed as a full-time law enforcement officer with the Kansas Racing and Gaming Commission (KRGC) from May 1, 2012 to September 18, 2018.
3. The KRGC received information that Respondent submitted timesheets for hours he did not work and that he took casino property without permission. They opened an investigation.

4. The KRGC conducted a study of Respondent's attendance between August 12, 2018 to September 8, 2018. The investigation revealed that, during that time, Respondent submitted timesheets for pay claiming that he worked 160 hours at the Boot Hill Casino and Resort (BHCR). However, Respondent could not be verified on BHCR property for 26 of the 160 hours he claimed on his timesheet. The investigation included comparison of Respondent's timesheet with surveillance video and door swipes recorded through the door lock system. Respondent submitted time cards reflecting that he worked 26 hours more than he actually worked. There were also 2 hours of unverifiable time reported for shift differential pay.
5. Respondent's pay at the time he submitted the false timesheets was \$23.86 per hour. The total loss for the 26 hours Respondent submitted but did not work, including 2 hours of shift differential pay, was \$622.36.
6. The BHCR purchased promotional items to be used as player incentives, including a four-piece set of chili bowls. The chili bowls were distributed in accordance with the "BHCR '2018 September Chili Cook-Off Sunday Continuity Gifts' Promotion Official Rules." Respondent was not eligible to receive the chili bowls, nor did he have authority to take them. However, on September 8, 2018, Respondent took a box containing six sets of chili bowls from the meeting room where they were kept. Respondent kept one set and distributed the remaining five sets to other KRGC and BHCR employees. Respondent falsely told the other employees that because the chili bowls were free to patrons, the employees were also allowed to take them. In a written statement regarding his behavior, Respondent stated, ". . . I am wholly responsible for taking the chili bowls on Saturday, September 8<sup>th</sup>. It was a complete lack of judgment on my part . . ." All six sets of chili bowls were retrieved during the investigation. One set of chili bowls cost BHCR \$47.95.
7. Based on the results of the KRGC's investigation of Respondent, a Commission interview with Respondent was necessary to determine his continued suitability for law enforcement certification.

8. Commission Investigator Michael Oliver scheduled an interview for March 19, 2019 and notified Respondent by mail. The notice was sent both certified mail and first-class mail with tracking. Respondent received the interview notice and contacted Investigator Oliver indicating that he had reservations about attending the interview. On March 7, 2019, Respondent emailed Investigator Oliver and stated, "I will be unable to attend the interview scheduled March 19, 2019 in Wichita and any other further interview. I hereby relinquish my Kansas Police Certification. I have no desire to continue my career in law enforcement in the State of Kansas and I have moved from the state and found other employment. I understand this will cause Kansas CPOST to revoke my certification." Respondent did not appear for the March 19, 2019 interview.

#### CONCLUSIONS OF LAW

##### Criminal Conduct

9. Pursuant to K.S.A. 74-5616(b)(5), the Commission may revoke the certification of any police or law enforcement officer who engages in conduct which, if charged as a crime, would constitute a felony crime under the laws of this state, a misdemeanor crime of domestic violence as defined in the Kansas Law Enforcement Training Act at the time the conduct occurred, or a misdemeanor crime that the Commission determines reflects on the honesty, trustworthiness, integrity or competence of the applicant as defined by rules and regulations of the Commission.
10. Pursuant to K.S.A. 21-5824, making false information is making, generating, distributing or drawing, or causing to be made, generated, distributed or drawn, any written instrument, electronic data or entry in a book of account with knowledge that such information falsely states or represents some material matter or is not what it purports to be, and with the intent to defraud, obstruct the detection of a theft or felony offense or induce official action. Making false information is a severity level 8, nonperson felony.
11. K.A.R. 106-2-2a(a)(26) states that pursuant to K.S.A. 74-5616 and amendments thereto, an applicant or officer shall not engage in conduct, whether or not charged as a crime or

resulting in a conviction, that would constitute theft, as defined in K.S.A. 21-5801 and amendments thereto.

12. Respondent's submission of timesheets for pay for hours he did not work constitutes the crime of making false information. Respondent's retention of \$622.36 in pay for hours he did not work constitutes misdemeanor theft. Respondent's conduct of taking a set of chili bowls for himself and distributing other sets to his coworkers, without authority, constitutes theft.

#### Good Moral Character

13. Pursuant to K.S.A. 74-5616(b)(1) the Commission may revoke the certification of a police or law enforcement officer who fails to meet and maintain the requirements of K.S.A. 74-5605 or 74-5607a, and amendments thereto.
14. K.S.A. 74-5605(b)(5) states that each applicant for certification shall be of good moral character sufficient to warrant the public trust in the applicant as a police officer or law enforcement officer.
15. K.A.R. 106-2-4(a) defines good moral character as including the personal traits or qualities of integrity, honesty, upholding the laws of the state and nation, conduct that warrants the public trust, and upholding the oath required for certification as specified in K.A.R. 106-3-6.
16. Respondent's conduct shows that he lacks the personal qualities of integrity, honesty, upholding the laws of the state, conduct that warrants the public trust, and upholding the oath required for certification.

#### Failure to Cooperate in Commission Investigation

17. Pursuant to K.S.A. 74-5616(b)(3), the Commission may revoke the certification of a police or law enforcement officer who provides false information or otherwise fails to cooperate

in a Commission investigation to determine a person's continued suitability for law enforcement certification.

18. Respondent failed to cooperate in a Commission investigation to determine his continued suitability for law enforcement certification. Respondent failed to appear for his scheduled interview. He further indicated that he understood that failure to cooperate could result in a certification action but that he was no longer interested in a law enforcement career in Kansas.

#### Summary Proceedings

19. Under K.S.A. 77-537, the Commission may conduct these summary proceedings, subject to Respondent's request for a hearing. The Commission finds that the use of summary proceedings in these circumstances does not violate any provisions of law and the protection of the public interest does not require the Commission to give notice and opportunity to participate to any person other than Respondent.

### **ORDER**

Based on the above Statement of Facts and Conclusions of Law, the Commission orders that the Kansas Law Enforcement Officer Certification of MICHAEL MURSKI be revoked.

ACCORDINGLY, THE KANSAS COMMISSION ON PEACE OFFICERS' STANDARDS AND TRAINING CERTIFICATE OF MICHAEL MURSKI IS HEREBY REVOKED.

FURTHER, Respondent is ordered to surrender and return to the Commission all evidence of his certification as a law enforcement officer.

DATED this 5<sup>th</sup> day of August, 2019.

KANSAS COMMISSION ON PEACE OFFICERS'  
STANDARDS AND TRAINING



Jeff Herrig  
Chair, Investigative Committee

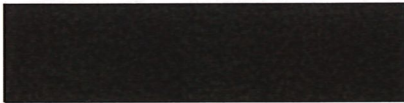
**NOTICE OF RELIEF FROM THIS SUMMARY ORDER**

Pursuant to K.S.A. 77-537, the Summary Order is subject to your request for a hearing. If you desire a hearing, you must direct a written request for a hearing to the Kansas Commission on Peace Officers' Standards and Training, 1999 N. Amidon, Suite 350, Wichita, Kansas 67203. This written request must be filed within fifteen (15) days from the date indicated in the Certificate of Service below. If a written request for hearing is not so made, this Summary Order becomes final and effective upon the expiration of the time for requesting a hearing.

**CERTIFICATE OF SERVICE**

This is to certify that on the 5<sup>th</sup> day of August, 2019, a true and correct copy of the above and foregoing Summary Order of Revocation was deposited in the United States mail, certified, return receipt requested, and deposited in the United States mail, first class postage prepaid, addressed to:

MICHAEL MURSKI



Rose Ann Ohmart  
Senior Administrative Assistant  
Kansas Commission on Peace Officers'  
Standards and Training